

EISEMAN LEVINE
LEHRHAUPT & KAKOYIANNIS

A PROFESSIONAL CORPORATION

805 THIRD AVENUE
NEW YORK, NEW YORK 10022

TELEPHONE (212)752-1000

FACSIMILE (212)355-4608

March 27, 2015

VIA ECF

The Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *XL Specialty Insurance Company v. Lakian, et al.*;
Civil Action No. 14-cv-5225

Dear Judge Torres:

We are pro se defendant and claimant Eiseman Levine Lehrhaupt & Kakoyiannis, P.C. ("ELLK"), and we are writing in opposition to the March 20, 2015 letter application from Knox, LLC d/b/a Knox, LLC of New York ("Knox") and DJW Advisors, LLC ("DJW") requesting a conference for permission to move to stay disbursement of the interpleaded funds pending resolution of the appeal of this Court's January 15, 2014 Memorandum and Order. Dkt. No. 90. We incorporate by reference and endorse those arguments made by counsel for defendants John Lakian and Diane Lamm in their letter to the Court of today (the "Lakian/Lamm Letter").

However, in addition to those arguments, we want to bring to the Court's attention the substantial prejudice ELLK will suffer if the stay application is granted. ELLK is a small New York law firm with 18 attorneys and a support staff of 9. It is beyond dispute that ELLK is owed \$145,260.17 (the "Fees"). The Fees were earned 8-10 months ago. Typically, ELLK's fees and expenses are paid monthly as they are incurred. However, because of the delay in payment, ELLK has been forced to operate without the benefit of the past due Fees. The Fees would have been used, and will be used, to cover overhead including the salaries of its employees and rent. Needless to say, \$145,260.17 is a substantial sum of money to a firm like ELLK and its non-payment will impose a substantial harm on the firm.

For the foregoing reasons, and the reasons stated in the Lakian/Lamm Letter, ELLK respectfully requests that the Court deny Knox's and DJW's request to file a motion to stay.

Respectfully submitted,


Eric R. Levine